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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,309	04/16/2004	Richard S. Kusleika	12013/48803	7747
23838	7590	06/02/2010	EXAMINER	
KENYON & KENYON LLP			VU, QUYNH-NHU HOANG	
1500 K STREET N.W.				
SUITE 700			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			3763	
			MAIL DATE	DELIVERY MODE
			06/02/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RICHARD S. KUSLEIKA

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Appeal 2010-008051  
Application 10/825,309  
Technology Center 3700

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Before MARIA VIGNONE, *Supervisory Trial Clerk*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 3, 2010. A Docketing Notice was mailed on May 28, 2010. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

Appeal 2010-005081  
Application 10/825,309

UNDECIDED PETITION

A Petition to request designation of new grounds of rejection in the Examiner's Answer was filed on March 22, 2010. However, there is no indication in the record that the Petition was decided.

CONCLUSION

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to have the Petition filed March 22, 2010 decided;
- 2) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

rvb

KENYON & KENYON LLP  
1500 K STREET, NW  
SUITE 700  
WASHINGTON, DC 20005